

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

DAVID GRAY, Jr., CONSTRUCTION)	
COMPANY,)	
)	
Plaintiff,)	
)	
vs.)	Case number 4:06cv1170 TCM
)	
REITMEYER AND ASSOCIATES,)	
INC., GULF INSURANCE)	
COMPANY, and ST. PAUL)	
TRAVELERS,)	
)	
Defendants.)	

ORDER

This case is before the Court¹ on the motion of defendant Reitmeyer and Associates ("Reitmeyer") to compel arbitration and on the motion of defendants Reitmeyer, Gulf Insurance Company ("Gulf"), and St. Paul Travelers ("St. Paul"), to stay these proceedings pending that arbitration.

The instant dispute has its genesis in a contract between the United States Government and Reitmeyer "for the provision of services and materials in the construction of improvements to Round Springs of the Ozark National Scenic Riverways." (Compl. ¶ 2.) To guarantee payment for labor and materials furnished for the fulfillment of this contract, Reitmeyer executed a payment bond with Gulf, later acquired by St. Paul. (Id. ¶¶ 3-5.) Reitmeyer also executed a subcontract with David Gray, Jr., Construction Company for

¹The case is before the undersigned United States Magistrate Judge by written consent of the parties. See 28 U.S.C. § 636(c).

certain work on bridge decking. (Compl. Ex. A.) This subcontract requires mediation and, if that is unsuccessful, binding arbitration under the rules of the American Arbitration Association. Reitmeyer moves to compel that arbitration. All three defendants move to stay this litigation pending arbitration. Plaintiff has responded that it has no objection to mediation and arbitration as outlined in the subcontract.

Accordingly, for good cause shown,

IT IS HEREBY ORDERED that the unopposed motion to compel arbitration and the unopposed motion to stay litigation pending arbitration are each **GRANTED**. [Docs. 6, 8]

IT IS FURTHER ORDERED that this action is STAYED pending the parties' arbitration. The parties are to file a motion to dismiss or to reopen this case within thirty days after the arbitration proceedings have concluded.

/s/ Thomas C. Mummert, III
THOMAS C. MUMMERT, III
UNITED STATES MAGISTRATE JUDGE

Dated this 25th day of October, 2006.